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An Act to amend the Act of the late Province of Canada intituled: "An Act to incorporate the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland," and the Acts amending the same.

**W**HEREAS by petition it hath been represented that the Synods of the Presbyterian Church of Canada in connection with the Church of Scotland, of the Church of the Maritime Provinces in connection with the Church of Scotland, of the Presbyterian Church of the Lower Provinces and the General Assembly of the Canada Presbyterian Church, have united together and have formed one body or denomination of Christians under the name of "The Presbyterian Church in Canada," and that an Act of the Province of Quebec, thirty-eighth Victoria, chapter sixty-four, was passed on the twenty-third day of February, one thousand eight hundred and seventy-five, containing provisions similar to those contained in this Act, but which Act of the Quebec Legislature has been declared to be unconstitutional by Her Majesty's Privy Council: And whereas the present acting members of the hereinafter mentioned Board have since the passing of the said last mentioned Act been acting under the provisions thereof, and whereas the Act of the late Province of Canada, intituled, "*An Act to incorporate the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland.*" and amendments thereto, require to be amended in consequence of such union, and in order to the carrying into effect of certain resolutions passed by the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland, with reference to the said Temporalities Fund, and for the protection of those interested in the same: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Notwithstanding anything in the said Act of the late Province of Canada, relating to the said Temporalities Fund or amendments thereto, all the acts and doings of the said Board and of the acting members thereof from and since the passing of the said Act of the Province of Quebec, thirty-eighth Victoria, chapter sixty-four, had thereunder, are hereby ratified and confirmed, and the present acting members of the said Board

are hereby authorized to hold office and administer the said fund according to the terms of this Act, until replaced by others elected hereunder; until all the present vested rights of all ministers and probationers shall have ceased or lapsed, the said Temporalities Fund shall remain as at present in the hands of a Board, the membership of which shall be continued in the manner hereinafter provided; and the administration of the fund shall continue on the same principles and for the same purposes as before the said union, until the vested rights of all ministers and probationers shall have lapsed; and these rights shall be held to be the following: (1) The annual receipt by ministers now receiving four hundred and fifty dollars, four hundred dollars, or two hundred dollars, of the same amount during their lifetime and good standing in the Church: (2.) The annual receipt of two thousand dollars, in perpetuity, by the Treasurer of Queen's College for the use and benefit of the said college; (3.) The annual receipt of two hundred dollars by all the ministers on the Synod Roll, and by all recognized probationers and licentiates engaged in active service at the time of the union, during the lifetime and good standing in the church of such ministers, probationers and licentiates; all salaries of two hundred dollars to be increased to four hundred dollars each, when the recipients of them shall have retired, or have already retired in the Province of Quebec, with the consent of the church, from the active duties of the ministry; the Temporalities Board shall, if necessary, draw upon the capital fund in order to meet the aforesaid requirements; so soon as any part of the revenue accruing from the said fund is not required to meet the payments of the said incomes and other vested rights in the fund, and expenses connected therewith, the same shall pass to and be subject to the disposal of the said united church; and so soon as the fund or any part of it, shall no longer be required for these purposes, it shall, with the exception of the annual payment to Queen's College of two thousand dollars, or the same capitalized (and the Board shall have power at any time after the passing of this Act to capitalize the same, and pay it over to the Treasurer of Queen's College for the use and benefit of said college), be appropriated to a Home Mission Fund for aiding weak charges in the united church.

2. Provided always, that all ministers and probationers interested or possessing rights in or to the said Temporalities Fund at the time when such union was carried into effect, who declined to become parties to such union, or to enter into

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the said proposed united church, shall be entitled to all the pecuniary rights and claims upon the said fund they would have enjoyed had they entered into such union, that is to say, so long as they shall continue to be Presbyterian ministers in good standing within the Dominion of Canada, whether in active service or retired; and the said Board shall administer the said fund so as to protect their rights until their said rights shall have respectively lapsed and been extinguished: Provided also, that nothing contained in this Act shall be so construed 10 as to deprive any professor in Queen's College of any right to participate in the said Temporalities Fund to which, as a minister of the Presbyterian Church of Canada in connection with the Church of Scotland, he would have been entitled had he continued in the active duties of the ministry of the said church.

After the first and third classes of payments named in section one shall have been extinguished and provision shall have been made for the annual receipt in perpetuity of the sum provided for in the second class of payments, each congregation which declined to become a party to the union, and 20 which shall not have entered the union before the time of the extinction of such payments shall be entitled to a share of the residue, such share to be in the proportion of one to the whole number of congregations on the Synod Roll on the fifteenth day of June, 1876, the date of the union.

3. As often as any vacancy in the Board for the management of the said Temporalities Fund occurs, by death, resignation or otherwise, the beneficiaries entitled to the benefit of said fund may each nominate a person, being a minister or member of the said united church, or in the event of there 30 being more than one vacancy, then one person for each vacancy, and the remanent members of the said Board shall thereupon, from among the persons so nominated as aforesaid elect the person or number of persons necessary to fill such vacancy or vacancies, selecting the person or persons who may be nominated by the largest number of beneficiaries; but in the event of failure on the part of the beneficiaries to nominate as aforesaid, the remanent members of the Board shall fill up the vacancy or vacancies from among the ministers or members of the said united church.

40 4. The said Board of management shall, within twelve months after the passing of this Act, call a meeting of the said beneficiaries at such time and place as may be found most convenient, and at such meeting the said beneficiaries shall have power to make by-laws regulating all matters



relating to the mode in which notice of vacancies occurring as aforesaid shall be given to them, the time within which such notice shall be given, the form of nomination papers, the time after receiving notice of a vacancy within which the same are to be sent in, the person or persons to whom the same shall be sent and by whom the same shall be opened, the recording the result of such nominations and of the elections consequent thereon, and all other matters relating to or affecting such nominations and elections.

5. The Board of management of the said Temporalities Fund shall, once in each year transmit by post to each beneficiary a printed statement of the affairs of the said fund, and a report of the proceedings of the Board for the preceding year, containing such information as may be required by the by-laws to be passed as hereinafter provided. 10

6. The books and affairs of the said Board shall be audited once in each year by auditors appointed by the beneficiaries, in manner hereinafter provided.

7. At the meeting to be called and held pursuant to section four, the beneficiaries may make by-laws regulating the appointment of auditors, and all matters relating to the audit of the affairs of the fund, and to the annual statement and report to be made under section five. 20

8. The third section of this Act shall continue in force until the number of beneficiaries is reduced below fifteen; and so soon as the number is reduced below fifteen, the said Board shall be continued by the remanent members filling up any vacancy or vacancies from among the ministers or members of the united church, and the auditors shall, in like manner, be appointed by the said Board. 30

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